

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
U.S.NO. 4;04-CV-40059-TSH

EDWARD TAVARES JR
(PETITIONER)

V.

STEVEN O'BRIEN, SUPERINTENDENT
OF N.C.C.I. GARDNER
(RESPONDENT)

PETITIONER'S MOTION FOR
EVIDENTIARY HEARING, PURSUANT TO FEDERAL
RULE 8(b)(1)(4):

Now comes the petitioner to move this honor court, to request for an evidentiary hearing, on Justice Hillman (Magistrate) erroneously written report recommendations filed on March 7/2007, which was not written based on independent review, but falsely written.

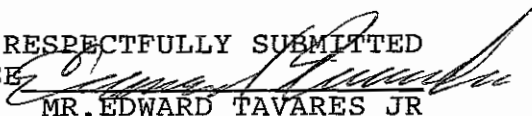
An evidentiary hearing should be granted wherefore the petitioner filed pro-se objections which explain why Mr. Tavares pro-se state prisoner is entitled to De Novo Review independently review on the merits of the petition 28 U.S.C.A. 2254-2255, on the state court's decision denying Tavares relief of claims involving issues of ineffective assistance of counsel; also Conflict of interest and inconsistent conclusion, should be reviewed De Novo, because there was no adjudication on the merits of Federal Claims, also decision on petitioner 28 U.S.C.A. 2254-2255, should be expeditiously decided, because of his medical condition he has cancer.

At the time of the petitioner filed 28 U.S.C.A. 2254-2255 he had not knowingly known that he has cancer, and the respondent doctor's here at N.C.C.I. Gardner and at Shattuck Hospital told the petitioner

(2)

that he has nine months to live based on their statistic, and that the petitioner Edward Tavares has lung cancer for (4) four years, and now has spread to his pelvis lower pubic bone's, which has been destroyed do not exist. Also may have pancreatic cancer, because of the destroyed pubis bones.

All the above said is true and further signed under the pains and penalties of perjury on this 25 day of September 2007.

RESPECTFULLY SUBMITTED
PRO-SE 

MR. EDWARD TAVARES JR
N.C.C.I. GARDNER
P.O. BOX 466
500 COLONY RD.
GARDNER MASS. 01440

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CERTIFICATE OF SERVICE

I Edward Tavares Jr. certify that he has served upon the office of the clerk, for United States District court, Division Worcester, to Mrs. Lisa Roland, Clerk at 595 Main St. Worcester Mass. 01608, sent by first class mail postage prepaid by the petitioner, "Petitioner's Motion for Evidentiary Hearing, Federal rule 8(b)(1) (4), also cover letter, all was sent by first class mail postage prepaid on this 25 day of September 2007; Signed under the pains and penalties of perjury;

PRO-SE RESPECTFULLY SUBMITTED

MR. EDWARD TAVARES JR
N.C.C.I. GARDNER
P.O. BOX 466
500 COLONY RD.
GARDNER MASS. 01440